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tion that its attention was not called to that case by counsel. As to the court's statement that defendant's promise was fraudulent and void, it is only necessary to answer, with the *Zawelo* case, that though an advantage accrued to the plaintiff as the result of the advancement, the pleadings do not show that it came as the result of fraud or collusion.

CARRIERS—PERSONAL INJURY.—Deceased boarded a pay-as-you-enter car, which was so crowded that he, together with many others, was compelled to ride upon the rear platform, from which he was thrown and killed by a sudden lurch of the car. His wife brings this action, and appeals from a directed verdict for defendant below. *Held,* it was error for court below to direct a verdict for defendant. *Larskowski* v. *Detroit United Ry.,* (Mich. 1916) 159 N. W. 530.

Plaintiff in this case presented a sufficient case for the consideration of the jury, inasmuch as the deceased was riding on the platform on the implied invitation of the defendant. He was admitted when the interior was full, and this was evidence of negligence on the part of defendant, but was not negligence per se in deceased. The question should have been submitted to the jury. In the case of *Camden, etc. Ry.* v. *Hoosey,* 99 Pa. 492, the Pennsylvania court held that the plaintiff was guilty of such negligence in standing on the platform for several minutes as to defeat his right of recovery for injuries resulting from being pitched therefrom, even though every seat on the train was taken, and the aisles crowded, for it appeared that he could have found standing room inside the cars. The court stood four to three on the point. It was intimated that had he been "compelled thereto by circumstances," it would have been a question for the jury. Most courts disapprove of this strict ruling, due to a consideration of the congested condition of traffic which prevails today. Failure to provide seats was held to prevent a company from taking advantage of a rule prohibiting passengers from standing on the platform in *Willis* v. *Ry.,* 32 Barb. 399. And the general holding is that if the company accepts one as a passenger on the platform or steps, even though he might have found standing room inside, he is not guilty of such negligence as defeats his right of recovery. *Anderson* v. *Ry.,* 42 Ore. 505, 71 Pac. 659. And although some courts hold a company to be negligent if it permits such overcrowding as makes it necessary for passengers to ride on the platform (*Stuchly* v. *Ry.,* 182 Ill. App. 337), the general rule is that the company is not liable per se for injury due to overcrowding on the platform, but only for want of due care in preventing such injuries as might reasonably be expected to result from such overcrowding. This rests on the theory that the public today acquiesces in overcrowding. *Lehberger* v. *Ry.,* 79 N. J. Law 134, 74 Atl. 272; *McCumber* v. *Ry.,* 207 Mass. 559, 93 N. E. 698; *Anderson* v. *Ry.,* supra. But allowing passengers on the platform, the company owes them a degree of care proportionate to the danger to which they are exposed. *LeBarge* v. *Ry.,* 138 Ia. 691, 116 N. W. 816. In the case of *Norvell v. Ry.,* 67 W. Va. 467, 68 S. E. 288, the company was held liable for injuries to one necessarily on the platform, unless such passenger had contributed to the injury by his own negligence, thus holding

it negligence per se to allow overcrowding. Pennsylvania requires toward one necessarily on the platform only such care as toward any other passenger. *Pildish* v. *Ry.*, 61 Pa. Super. Ct. 195. In this case the theory of the *Camden* case, supra, was followed, it being held that one remaining on the platform when he might have had standing room inside assumes all the risks of his position. But this is contrary to the weight of authority.

CONSTITUTIONAL LAW—INTERSTATE COMMERCE AND POLICE POWER.—The Federal Supreme Court on January 22, 1917, rendered decisions in three cases, appealed from the district courts of Michigan, South Dakota and Ohio, wherein the so called "Blue Sky" laws were upheld as constitutional These laws get their popular name from the fact that they were made to regulate those promoters whose promises were "as limitless as the blue sky." Briefly stated, it was held that reasonable restrictions upon the operations of those engaged in the sale of "securities" was not a violation of the interstate commerce clause but was a justifiable exercise of the police power of the state. *Merrick* v. *Halsey & Co.,* (Michigan), 37 Sup. Ct. 227; *Caldwell* v. *Sioux Falls Stock Yards Co.,* (South Dakota), 37 Sup. Ct. 224, and *Hall* v. *Geiger-Jones Company,* (Ohio), 37 Sup. Ct. 217.

A full discussion of these cases appears on pages 369-385 of this issue.

CONSTITUTIONAL LAW—RELIGIOUS LIBERTY.—A statute of Alabama made it a misdemeanor for any person to treat or offer to treat diseases of human beings by any system of treatment whatsoever without a license. CODE, §7564. An ordinance of the city of Birmingham made all misdemeanors against the laws of the State also offences against the city. Defendant, who was not a licensed physician, employed prayer in treating a patient for various diseases, but also examined and massaged the affected parts. He contended that he was exercising his religion as embraced in the teachings of the Altrurian Church, and that the ordinance denied religious liberty in violation of the Constitutions of the United States and the State of Alabama. *Held,* that the ordinance was constitutional and also that the defendant practiced medicine without a license within the meaning of the ordinance. *Fealey* v. *City of Birmingham,* (Ala. 1916) 73 So. 296.

It is well settled that the regulation of the practice of medicine is a valid exercise of the police power. *State* v. *McAninch,* 172 Ia. 96, 154 N. W. 399; *People v. Tom J. Chong,* 28 Cal. App. 121, 151 Pac. 553; *In re Ambler,* 11 Okl. Cr. 449, 148 Pac. 1061; *McNaughton* v. *Johnson,* 37 Sup. Ct. 178. The principal case did not decide that prayers alone without recourse to material or human agencies would constitute practicing medicine under the statute, since the defendant did not limit his operations to mere prayers. This question was decided in the case of *People* v. *Cole,* (N. Y. 1916) 113 N. E. 790. In that case the defendant was indicted for practicing medicine without registration. At the trial he proved that he was a member of the Christian Science Church and that he gave a "treatment" by interposing with God that the disease might be cured, it being a tenet of the church that such prayer would completely cure the disease. The court in deciding the case